

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-11048-ADB

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ RULE 56.1
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Pursuant to Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiff President and Fellows of Harvard College (“Harvard”) respectfully submits this Response to Defendants’ Rule 56.1 Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment (Dkt. 186-1).

1. The Government’s comprehensive review of federal contacts [sic] and grants to Harvard was officially announced and began on March 31, 2025. GSAHarv_00000001.

Response: Disputed. Harvard does not dispute that the General Services Administration sent Harvard the March 31, 2025 memorandum (GSAHarv_00000001) but disputes the Government’s characterization of the memorandum and its effect.

2. The Government’s review of federal grants and contracts was conducted pursuant to Executive Order 14188, signed on January 29, 2025, directing federal agencies to “us[e] all available and appropriate legal tools to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.” *Id.*; see also Exec. Order. No. 14,188 (Jan. 29, 2025).

Response: Disputed. Harvard does not dispute that Executive Order 14188 contains the quoted text, but Harvard disputes the Government’s characterization of the Executive Order and its review for federal grants and contracts to Harvard, especially if its characterization is intended to suggest that the Government’s actions to freeze and terminate Harvard’s current and future funding were not rooted in alleged Title VI violations. In fact, Executive Order 14188 “reaffirm[ed]” Executive Order 13,899, which stated that “[d]iscrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual’s race, color, or national origin,” and separately references Title VI expressly. *See* Exec. Order. No. 14,188 (Jan. 29, 2025); Exec. Order No. 13,899 (Dec. 11, 2019).

Dated: June 30, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Counsel for Plaintiff certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiff hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Steven P. Lehotsky
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